

MAY - 7 2003

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL

In the Matter of)	EB Docket No. 03-96
)	
NOS Communications, Inc.,)	File No. EB-02-TC-119
Affinity Network Incorporated and)	
NOSVA Limited Partnership)	NAL/ACCT. No. 200332170003
)	
Order to Show Cause and)	FRN: 0004942538
Notice of Opportunity for)	
Hearing)	

TO: Honorable Arthur I. Steinberg
Administrative Law Judge

NOTICE OF APPEARANCE
OR, IN THE ALTERNATIVE,
PETITION FOR LEAVE TO INTERVENE

Pursuant to sections 1.91(c) and 1.221(e) of the Commission's rules, 47 C.F.R.

§§ 1.91(c), 1.221(e), and in accordance with the Order to Show Cause and Notice and Opportunity for Hearing ("Show Cause Order") in this matter,¹ Affinity Network, Inc. and NOSVA Limited Partnership ("the Companies"), through their undersigned counsel, hereby state that they will appear on the date fixed for the hearing² and present evidence on the issues set

¹ NOS Communications, Inc., Affinity Network Incorporated and NOSVA Limited Partnership, EB Docket No. 03-96, File No. EB-02-TC-119, NAL/ACCT. No. 200332170003, FRN: 0004942538, Order to Show Cause and Notice and Opportunity for Hearing, FCC 03-75, released April 7, 2003 ("Show Cause Order").

² NOS Communications, Inc., Affinity Network Incorporated and NOSVA Limited Partnership, EB Docket No. 03-96, File No. EB-02-TC-119, NAL/ACCT. No. 200332170003, FRN: 0004942538, Order, released April 16, 2003 (providing that the prehearing will be held on May 21, 2003).

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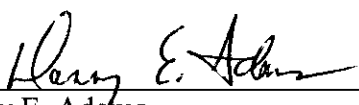
forth in the Show Cause Order. Affinity Network, Inc. and NOSVA Limited Partnership submit this Notice of Appearance to the extent required and necessary to preserve their right to appear on the date fixed for hearing and present evidence on the issues set forth in the Show Cause Order, even though the Ordering Clauses of the Show Cause Order (paragraphs 25, 26, 27(c) and 29) are directed to the “principal or principals” of Affinity Network, Inc. and NOSVA Limited Partnership, but not the Companies.

If necessary, in light of the failure of the Show Cause Order to have explicitly named the Companies as parties, this Notice of Appearance should be considered in the alternative as a Petition for Leave to Intervene, pursuant to Rule 1.223(b), 47 C.F.R. § 1.223(b). As noted above, the Companies will participate and assist in the determination of the issues raised by the Show Cause Order. The Companies could be directly and severely affected by this proceeding – sanctions and limitations on their interstate telecommunications operating authority are proposed – and thus they should be included as parties. Further, the Companies participation will facilitate the Commission’s investigation of issues identified in the Show Cause Order and,

therefore, granting leave to intervene will further the public's interest. Accordingly, this Notice of Appearance should be accepted or, in the alternative, the Motion to Intervene should be granted.

Respectfully submitted,

Affinity Network, Inc.
NOSVA Limited Partnership



By Danny E. Adams
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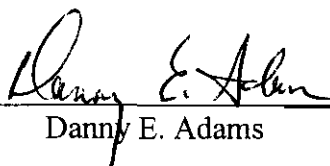
DECLARATION OF DANNY E. ADAMS

I, Danny E. Adams, of legal age, do hereby declare:

1. I, Danny E. Adams, an attorney of Kelley Drye & Warren LLP, representing Affinity Network, Inc. and NOSVA Limited Partnership in this matter, have personal knowledge of the facts stated in the "Notice of Appearance, or in the Alternative, Petition to Intervene."

2. I have reviewed the Notice of Appearance, or in the Alternative, Petition to Intervene and have knowledge as to the facts set forth in the petition, which are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


By: _____
Danny E. Adams

Date: _____ 5 - 7 - 03

CERTIFICATE OF SERVICE


I, Nancy Boudrot, do hereby certify that on this 7th day of May, 2003, a copy of the foregoing "Notice of Appearance, or in the Alternative, Petition for Leave to Intervene" of Affinity Network, Inc. and NOSVA Limited Partnership was mailed by certified U.S. first class mail, postage prepaid (except where noted) to the parties listed below.

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
c/o Vistrionix, Inc.
236 Massachusetts Avenue, N.E.
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Washington, D.C. 20002
(By Hand Delivery)

Honorable Arthur I. Steinberg
Administrative Law Judge
Federal Communications Commission
Washington, D.C. 20554
(By facsimile (202) 418-0195)

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